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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,566	03/06/2001	Robert Keith JR.	ABREAU-00107	4072

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HAVERSTOCK & OWENS LLP  
162 NORTH WOLFE ROAD  
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EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 03/15/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/800,566

**Applicant(s)**

KEITH, ROBERT OLAN

**Examiner**

CamLinh Nguyen

**Art Unit**

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                         |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                             | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>13</u> . | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 - 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Witek et al (U.S. 6,253,188).

♦ As per claim 1, 9, 17, 25, 31 – 32,

Witek teaches a method of accessing information in a searchable database comprising:

- "The searchable database is formatted in a directory tree structure" See Fig. 4, col. 11, lines 20 – 25, col. 18, lines 1 – 32.
- "The directory tree structure includes nodes ... branches" See fig. 4. Each category corresponds to a node. All nodes are linked together.
- "Categorizing each item of data by a navigation path through the directory tree structure and by one or more parameters" Witek teaches that: "Web sites and associated pages are prepared with HTML and include "links" to other locations and resources on the Web, the links being the features which enables a user, as noted, to "navigate" from one point or information resource to another, thereby, providing the Web with its dynamic character (col. 23, lines 11 – 22.) Therefore,

the link corresponds to the path that is used to access to the resource. Witek discloses a method to category documents by identifying the parameters and associated values (col. 50, lines 56 – 67). Based on these values, the document is assigned to a category, and created link to the document.

- “ Each parameter is set with a corresponding value associated with the data item thereby forming a set parameter” see Fig. 3, col. 15, lines 25 – 26, col. 51, lines 1 – 11.
- “ An external application different than the research system accessing one or more nodes... and obtaining data from the one or more node by utilizing an application programming interface associated with the research system” See Fig. 2, elements 22, col. 11, lines 48 – 57. An “application programming interface” corresponding to the interface in Fig. 10.

♦ As per claim 2, 10, 18, 26,

- “ The applications programming interface accesses the one or more nodes... using a query string defining a navigation path” The query includes keywords that defined the navigation path. Users access the directory by a query (See Fig. 10, Witek); therefore the navigation path is defined by a query language string.

♦ As per claim 3, 11, 19, 27,

- “Links to other nodes within the directory tree structure, links to web sites external to the electronic system” See Fig. 8 – 10, col. 23, lines 44 – 48, col. 24, lines 10 – 16 of Witek.

♦ As per claim 4, 12, 20, 28, Witek teaches:

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- "The searchable database is distributed into more than one physical location"

See Fig. 1, element 20, col. 9, lines 53 – col. 10, lines 5, col. 25, lines 37 – 44 of Witek.

♦ As per claim 5 - 7, 13 – 15, 21 – 23, 29,

- "Accessing one or more nodes is performed by a server" See Fig. 1, 5A, col. 25, lines 13 – 33 of Witek.
- "Establishing an Internet connection with the server" See Fig. 5a, element 14, 24, col. 21, lines 15 – 20 of Witek.

♦ As per claim 8, 16, 24, 30, Witek teaches:

- "Utilizing a selective one or more.... parametric search" " A dichotomous key search" See Fig. 3, element 70, col. 16, lines 27 – 50, Fig. 10, element 144 – 146. As defined in the Specification a "dichotomous key search" is used to instruct users given in an answer or question dialog, often yes or no answer (Specification, page 18, lines 6 – 8). In fig. 10, Witek also gives the users the options of answer questions by checking the boxes. Therefore, this search option is corresponding to the "dichotomous key search". " A parametric search" See Fig. 10, elements 154, 158, 160, 142, col. 30, lines 10 – 29.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1 - 32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Monberg et al (U.S. 6,523,021) discloses a business directory search engine.
- Vanderpool et al (U.S. 5,781,773) discloses a method for transforming and storing data for search and display and a searching system utilized therewith.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is 305-1951. The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308- 1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

Cam-Linh Nguyen  
Art Unit 2171

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER

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